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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-fifth session

SUMMARY RECORD OF THE 1050th MEETING [P]

Held at the Palais des Nations, Geneva,
on Friday, 5 August 1994, at 3 p.m.

Chairman: Mr. LECHUGA HEVIA

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, OBSERVATIONS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Tenth, eleventh, twelfth and thirteenth periodic reports of Iceland (CERD/C/226/Add.12; CERD/C/263/Add.2)

1. At the invitation of the Chairman, Mrs. Olafsdottir, Mrs. Thorarensen and Mr. Claessen (Iceland) resumed their seats at the Committee table.

2. The CHAIRMAN drew the Committee's attention to the tenth, eleventh and twelfth periodic reports of Iceland, which had been submitted a single document (CERD/C/226/Add.12) and to the thirteenth periodic report (CERD/C/263/Add.2). He invited members to address their questions to the Icelandic delegation.

3. Mr. SHERIFIS, congratulating the Icelandic delegation on the quality of its reports, said that while he noted in particular the excellent reputation Iceland enjoyed in the matter of human rights, he did not understand why it submitted its reports so late. He congratulated Iceland on having made the declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination. He understood that Iceland had voted for General Assembly resolution 48/120 on the report of the Third Committee concerning, inter alia, the financing of committees established pursuant to international instruments, and would like to know whether it had notified the Secretary-General, in his capacity as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination, of its acceptance of the changes approved by States parties and the General Assembly.

4. He associated himself with the comments made by the Rapporteur, Mr. Valencia Rodriguez, and echoed by many colleagues, which had been prompted by the fact that Iceland had no policy whatsoever for eliminating racial discrimination. It was not enough to affirm that racial discrimination did not exist since every State party to the Convention was required, pursuant to articles 2, 4 and 7 of the Convention, to take all measures necessary to prevent any form of racial discrimination. None the less, the report submitted by Iceland was excellent; it contained very precise and full information on the composition of the population, and he had no doubt that Iceland's next report would be perfect.

5. Mr. RECHETOV, congratulating Iceland on the frank and constructive dialogue it had initiated with members of the Committee, said that it was a country that enthusiastically upheld parliamentary government and democracy, and consequently endeavoured to fulfil the obligations incumbent upon it under the various international human rights instruments. He noted with satisfaction that the report Iceland had submitted to the Human Rights Committee in July that year had been the subject of a detailed article in the newspaper Morgunbladid, and called on other States parties to follow that example. He further noted that Iceland had not seen such marked demographic changes as the other European countries. Just one family of Yugoslav refugees was living in Akranes; the Icelandic Government had immediately found them an

apartment and work. There were still very few foreigners who went to Iceland and no effort was spared to facilitate their integration into Icelandic society; in particular, new arrivals were offered language courses. Other members of the Committee had already referred to the dual nature of the Icelandic legal system. In his view, when it came to national law it would be better to speak of monism; in that connection, he referred to the difficulties of a child with a Ukrainian mother and an Icelandic father who denied paternity. That was, of course, an isolated case and no doubt such problems would be resolved as Iceland increased its contacts with foreign countries. Discrimination as such did not exist in Iceland. The Icelandic law which regulated the names of Icelanders applied with equal force to Icelanders and foreigners. It was to be hoped that Iceland's democratic society, which was vibrant and developing quickly, would in time solve any problems arising out of respect for the commitments entered into pursuant to the International Convention on the Elimination of All Forms of Racial Discrimination.

6. Mr. CLAESSEN (Iceland), replying to various questions put by Mr. Valencia Rodriguez and Mr. Banton, said that the 1944 Icelandic Constitution was currently undergoing revision and the chapter on human rights was in the process of being drafted. Iceland was carrying out a detailed study of international treaties with a view to their possible integration into Icelandic national law. He was not, however, in a position to give further information on the matter. As to the question of racial discrimination, he recognized that it was still not the subject of any specific legislation in Iceland, but would point out that the problem of racial discrimination had so far never arisen there. Iceland planned to adopt very clear rules in order to prevent any cases of racial discrimination. For example, Administrative Act No. 37/1993 applied to decisions of the administrative authorities and its purpose was to guarantee individuals legal certainty in their relations with the administration. Amendments providing for preventive measures would be introduced into other legal instruments as soon as the Icelandic Constitution had been revised.

7. So far as the prohibition on any association based on membership of a race was concerned, article 73 of the Icelandic Constitution stipulated that the right of association for any lawful purpose existed without prior authorization; no association could be disbanded by government decision but it could be temporarily suspended; in such a case, proceedings for disbandment must be instituted immediately.

8. For nationals of countries other than those that had acceded to the agreement on the European Economic Area to obtain a work permit in Iceland, they had to have entered into contact with an employer in Iceland or his representative abroad and concluded a work contract before going to Iceland. He was not in a position to provide further information on syllabuses in elementary schools. A new act on primary school education was to be promulgated; the next periodic report would therefore contain details about the syllabuses introduced pursuant to that act. He also had no information regarding the secret agreement concluded on the operation of the American Naval Base at Keflavik.

9. Mrs. OLAFSDOTTIR (Iceland), replying to a question by Mr. Diaconu regarding the law concerning the names of foreigners, said that Icelandic

family names were based on a patronymic (the son or daughter of a particular person as designated by his first name). A foreigner who became Icelandic was not required to change his family name but must choose an Icelandic first name. That long-established tradition in Iceland had been criticized in particular by the Human Rights Committee and the law was being amended. With regard to Icelandic cases brought before the European Court of Human Rights, in Strasbourg, the European Commission of Human Rights had received several (between 20 and 30) complaints from Icelanders concerning allegations of human rights violations but none had involved racial discrimination. To her knowledge, only two cases had been brought before the European Court in 1992 and 1993 and they had concerned freedom of expression and association.

10. In answer to Mr. Song's question concerning the presence of more than 500 foreigners in Iceland, she said that she did not know precisely why they had chosen to live in Iceland. They came mainly from the Nordic countries; the freedom of movement enjoyed by persons throughout the world was perhaps an explanation. There had been more and more of them since Iceland had acceded to the agreement on the European Economic Area. Iceland also received refugees from countries as far distant as Viet Nam. Also in response to Mr. Song, who had asked why many Icelanders had married Philippine or Thai women, she said that it was very difficult to explain personal choices. She could only affirm that her Government was doing its utmost to inform those women of their rights and to facilitate their integration in Iceland.

11. In answer to Mr. de Gouttes, she said that Iceland was party to the European Convention on the Protection of Human Rights and Fundamental Freedoms and had recognized the jurisdiction of the European Court of Human Rights. The general prohibition on racial discrimination for which that Convention provided was therefore incorporated into Icelandic national law but must be interpreted in the light of the other rights set forth in the Convention. A special protocol on the protection of national minorities, which was being prepared, would be incorporated into Icelandic national law.

12. It was difficult to answer the question why there had so far been no prosecution under article 233 of the Icelandic Criminal Code. That article did indeed exist and the authorities endeavoured to make everyone aware of what his rights were and what was the role of the organs that dealt with the protection of human rights, for example, by issuing press releases and publicizing the text of the Convention. In that connection, Mr. van Boven had asked whether there was any problem at all of racial discrimination in Iceland. It was quite probable that individuals did have racial prejudices but, so far as the authorities knew, no organization spread racist ideas in Iceland. No complaint against the administration, the law or other bodies had been formulated in that connection, but it was a possibility that could not be ruled out.

13. With regard to the education of law-enforcement officials, any jurist in the administration or police was required, as part of his training, to study the question of human rights. In the case of those who were not jurists, the police training school made sure that the police learned about human rights matters which could come up in the course of their duties, particularly in cases of arrest and detention. Mr. van Boven had also asked which national

institutions had had to hear complaints about human rights violations: the courts, the administration and the Ombudsman were the bodies that were competent in the matter. The Ombudsman had also received many complaints concerning human rights, but none of them had involved racial discrimination. There was also an Ombudsman for children, who could also lodge a complaint for an infringement of their rights. A new human rights office had recently been set up in Iceland; it was a non-governmental organization to which the Icelandic Association of Lawyers, Amnesty International and other private bodies, among others, belonged. Its object was to encourage reflection on all matters relating to human rights.

14. Mr. Sherifis had mentioned that Iceland had been late in submitting its report; she could only offer her Government's apologies; its only defence was that the situation had changed little since the previous reports. The Icelandic authorities would endeavour to be more punctual in future. Mr. Sherifis had also asked why Iceland had not yet made the declaration provided for under article 14 of the Convention. She had not had the time to obtain the necessary information, but details would be supplied to the Committee as soon as possible. Lastly, there was no denying that the Icelandic practice with regard to patronymics, to which Mr. Rechetov had referred and which was not, strictly speaking, a matter of racial discrimination, could be baffling for foreigners. But the prevailing rules for the transmission of names applied to all Icelandic nationals, whether or not they were of foreign origin.

15. Mr. BANTON, referring to the agreement which had reportedly been concluded between Iceland and the United States military authorities, said the question was not whether it was an episode in the past but to determine whether or not a request had been made that no black soldier should be assigned to the Keflavik naval base. From whom would such a request have emanated and for what reason? It was the request itself that would be shocking and would be a typical example of racial prejudice - which Iceland, under article 7 of the Convention, was required to prevent and combat, not only in schools but within the machinery of government.

16. Mr. ABOUL-NASR, endorsing Mr. Banton's remarks, asked whether or not such an agreement had been concluded between the Icelandic and United States authorities, by whom, and to what did it relate? Also, in regard to the attribution of patronymics, the Committee should know whether Iceland required all its new nationals to have an Icelandic name. The Committee had already ruled that that kind of requirement amounted to a violation of the Convention. The situation had already occurred in connection with Bulgaria, which had obliged all new nationals to adopt a Bulgarian name. Bulgaria, however, had rescinded that measure, recognizing that a national who came from another culture, belonging to another race or another religion, could not be forced to give up his name.

17. Mr. CLAESSEN (Iceland) said that, so far as he knew, no agreement relating to personnel at the Keflavik base had been concluded between Iceland and the United States; no trace of any agreement of that kind existed in the Icelandic register of treaties.

18. Mr. SONG SHUHUA, thanking the Icelandic delegation for its replies, said that he would like to clarify two points. First of all, he had merely wondered about the figure of 5,000 foreigners from far-distant places. Iceland lay at the northernmost tip of Europe. True, it was a beautiful country and its low unemployment rate was very attractive, but there were perhaps other elements which also explained why foreigners took up residence in Iceland. As to the Philippine and Thai wives of Icelanders, his only concern related to the language barrier, which meant that those women might not know the law and not be able to defend themselves against discrimination. That question had received a satisfactory response.

19. Mr. SHAHI expressed appreciation to Iceland for its very interesting report, which on the whole was in keeping with the spirit of the Convention. Its legislation could, however, still be improved and the Icelandic delegation had not provided the Committee with the assurance that the provisions of the Convention would be incorporated into the law, since it would be necessary first to amend the Constitution before thinking of amending the law. Any hope of seeing a change in the situation was not in vain, however: it was stated, at the end of paragraph 10 of the report before the Committee, that the Ombudsman had decided it was necessary to bring up to date the constitutional provisions relating to human rights, while paragraph 37 stated that the view that the international human rights conventions should be incorporated into Icelandic law had gained ground in Iceland in recent years. The Committee was therefore not the only to urge the Icelandic authorities to take measures to that end; he trusted that the question would be dealt with in Iceland's next report.

20. It was worrying to read, in paragraph 35 of the report, that Iceland subscribed to the legal doctrine that international treaties did not have the force of law even if they were ratified and that, in the event of conflict, internal law generally prevailed over international law. That doctrine was completely contrary to international norms as laid down for 40 years by the International Law Commission: it was the duty of States to ensure that international law prevailed over national law and he trusted that Iceland's next report would provide new information in that regard.

21. Mr. SHERIFIS thanked the Icelandic delegation for undertaking to submit its reports on time in future. Reverting to the question he had raised regarding the implementation of General Assembly resolution 48/120 concerning, in particular, the financing of the Committee on the Elimination of Racial Discrimination, he expressed the hope that Iceland would notify the Secretary-General as soon as possible of its acceptance of the changes approved by States parties and the General Assembly so that the new financing procedures could come into force as soon as a sufficient number of States had approved them.

22. Mrs. OLAFSDOTTIR (Iceland) acknowledged that the very special system of patronymics used in Iceland was extremely difficult to explain and defend. It had even been criticized in Iceland itself and a reform of the system was currently under consideration. However, new Icelandic national was certainly not required to change his name; it was his children who, like every

Icelander, were required to have an Icelandic name as custom demanded. It was impossible to say how the system would be reformed, as it was very complex and tailored to the grammatical requirements of the language.

23. The process of incorporating international law into internal law was already under way since Iceland was gradually including in its Constitution all the fundamental rights laid down in the human rights conventions; they would then be inserted in more specific terms in the legislation. Thus, under the Constitution, racial discrimination would be prohibited in general terms.

24. Mr. YUTZIS said that he had long had a personal interest in the question of the transmission of names, which had a very strong symbolic value that was generally connected with the idea of continuity and identity. It had repercussions at the anthropological, social and psychological levels. In his own country, Argentina, the matter had been debated at length, since for a long time only the first names of saints on the Catholic calendar could be given to children. That requirement had been annulled. In Iceland, where many foreigners were now taking up residence, the question would inevitably be raised by people coming from other cultures who had a legitimate desire to retain their historic links with the past. Taking account of their request would be one way of enriching, not of destroying, culture.

25. Mr. VALENCIA RODRIGUEZ (Rapporteur for Iceland), noting that the dialogue which had taken place with Iceland had been very constructive, said that the Committee had made very favourable comments on the situation there, pending a few further explanations on certain specific points. It would take note with interest of Iceland's next report and trusted that at that time the Icelandic Constitution would have been amended so as to condemn racial discrimination expressly and that a new law which took account of the provisions of the Convention, and in particular of article 4, would be adopted even if there was no racial discrimination in Iceland and if no complaint had been submitted in that regard. In conclusion, he paid a tribute to Iceland for the measures it had taken to facilitate the integration of foreigners.

26. The CHAIRMAN joined Mr. Valencia Rodriguez in congratulating the Icelandic delegation. He trusted that in its next report Iceland would provide the answers the delegation had not been in a position to give at the current meeting.

27. Mrs. THORARENSEN (Iceland) thanked the Committee for the interest it had taken in her country, which would do its best to respond to its expectations.

28. The Icelandic delegation withdrew.

The meeting was suspended at 4.40 p.m. and resumed at 5 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

29. Mr. FALL (Assistant Secretary-General for Human Rights), commenting on the situation with regard to the planned documentation centre and the computerization of the services responsible for the protection of human rights, said that so far as the documentation centre was concerned, the situation remained unchanged and would remain so until the technical personnel

who were occupying the premises planned for the centre had been relocated. As to computerization, efforts had continued, despite the lack of resources allocated under the regular budget. The Centre for Human Rights, which less than two years earlier had had only six or seven old computers at its disposal, would very soon have about 100. But his target of one computer per person had not been achieved. To reach it, he was trying to supplement the modest resources from the regular budget by looking elsewhere - to Japan, Italy, the Netherlands and France, for example, and the International Instruments Branch would benefit from that aid.

30. A start had been made on computerization of the Centre's links with other computerized bodies, including, inter alia, the Office of the High Commissioner for Refugees, the International Committee of the Red Cross and the Library, and correspondence and communications were already benefiting from the improvement. However, that was merely the beginning of the ambitious $5 million programme planned.

31. Mr. BANTON asked Mr. Fall how it was intended to use the documentation centre when it was ready. Where computerization was concerned, the departments at Geneva were just one part of a far greater whole which also included New York. He requested that members of bodies such as the Committee on the Elimination of Racial Discrimination should be able to obtain, by electronic mail, a document from New York or available on networks such as the Togethernet. He hoped that seminars held in connection with the third Decade to Combat Racism and Racial Discrimination would be organized in conjunction with non-governmental organizations.

32. Mr. van BOVEN said he was aware of the considerable gap between the tasks the treaty bodies had to accomplish and the resources allocated to them, as well as between those resources and the resources allocated elsewhere, for example in ILO, to organs performing the same role. He nevertheless wished to raise the question of the post of Secretary of the Committee on the Elimination of Racial Discrimination. Its incumbent, Mr. Johnson, did a considerable amount of work very efficiently, discreetly and without secretarial services, but his post was not permanent and he was only recruited for limited periods. The Committee would benefit far more from its secretary's outstanding professionalism if he had a permanent appointment.

33. Mr. DIACONU said that the Committee attempted to contribute to United Nations action to protect human rights, and particularly the prevention of the serious problems to which ethnic conflicts gave rise. To do so, it had perfected a ground-breaking emergency procedure which it had begun to implement by drawing on the wealth of experience it had acquired as a committee and on that of each of its members, who included judges, diplomats, academics and former ministers for foreign affairs. It was most regrettable that the Committee on the Elimination of Racial Discrimination did not receive the same treatment as the other treaty bodies. Ratification by States parties of the amendments made to the Convention to ensure that it was no longer the States parties that were financially responsible for the Committee, but the United Nations, should remedy the situation.

34. The Committee should be better informed of the activities of other bodies dealing with racial discrimination. There had admittedly been considerable

progress in that area, but there was still no mechanism to provide more precise and regular information on relevant developments elsewhere, such as, for example, the reports of the Human Rights Committee on intolerance or on equal rights. The Committee should also be able to invite rapporteurs of other bodies who shared its concerns to participate in an exchange of information and experience and he hoped that it would be possible for the Committee to hold an exchange of views with Mr. Fall at each session.

35. Mr. de GOUTTES reiterated Mr. Diaconu's remark on preventive measures: emergency procedure and early warning. In adopting those measures, the Committee had been inspired by the spirit of the Secretary-General's Agenda for Peace. They had received support from various forums, including the Vienna World Conference on Human Rights. He would like to think that the Centre for Human Rights would provide the Committee with the means of implementing those procedures. In the case of Rwanda and Burundi, for example, the Committee had believed that its mandate would enable it to provide assistance in two spheres: the legislative reforms necessary for the reorganization of institutions, in particular the Judiciary, and training for State officials and employees, who were essential for the reconstitution of the State. The Committee was composed of experts in a wide range of spheres; it lacked only the financial resources to provide the assistance it was perfectly capable of contributing. He asked whether the Assistant Secretary-General could inform the Committee what funds were available to the Secretary-General and, more specifically, the Centre to send expert missions. At a symposium held in Abidjan in June, he had been able to appreciate the participants' considerable interest in information on human rights, and in particular on efforts to combat racial discrimination. Finally, he underscored the value of periodic meetings between the Committee and the Assistant-Secretary-General to evaluate a situation which was evolving ever more rapidly and which was characterized by more and more emergencies.

36. Mr. ABOUL-NASR said that the tireless work of Mrs. Klein at the head of the International Instruments Branch and Mr. Johnson as Secretary of the Committee could not offset the unequal treatment which the Committee received in comparison with the other human rights bodies, and which was a source of frustration. As other experts had emphasized, the Committee lacked financial resources, but it also suffered from negligence in very humdrum but none the less highly important areas. For example, travel tickets were not always issued or sent on time to experts due to attend its sessions; the reports of States parties were not always sent to the right address and as a result arrived very late; the Committee did not receive from New York the information which should be communicated to it under article 15 of the Convention. While he did not wish to underestimate the obstacles to the efficient operation of the Committee, he hoped that Mr. Fall would endeavour to remove them.

37. Mr. SONG SHUHUA paid tribute to the efforts of Mrs. Klein and Mr. Johnson and hoped that the latter would be recruited against a permanent post. He too received documents and plane tickets late, and occasionally at the last moment. He asked Mr. Fall to ensure that such problems did not recur.

38. Mr. WOLFRUM agreed with Mr. Diaconu and Mr. de Gouttes that the emergency and early warning procedures developed by the Committee were in conformity with the Secretary-General's Agenda for Peace and had been well received by

the Vienna World Conference on Human Rights and the General Assembly. The Committee had already resorted to the emergency procedure on two occasions, in Zagreb and, in difficult circumstances, in Kosovo. He asked the Assistant-Secretary-General to help the Committee to continue the latter mission, just as he had helped it to initiate the mission.

39. As had already been observed, in recent years more abundant information had been submitted to the Committee, although much remained to be done. The improvement could not come from the Committee's Secretary, who was already overstretched; it should come from better coordination between the bodies responsible for protecting human rights. The Committee should be informed of the activities of the bodies and agencies working in its sphere of activity. For example, it was about to take up the case of Bougainville with Papua New Guinea. However, unlike Rwanda, Bougainville was of little interest to the media and information was fairly scarce; he had been able to obtain the information available at Geneva, but the information held by New York apparently stayed there. Only the Assistant-Secretary-General was in a position to activate the necessary machinery in order to ensure satisfactory coordination. As the Committee's activities were due to expand considerably under the new procedures, it must have a sound infrastructure.

40. The Committee had decided to offer to help Rwanda reorganize the State. It possessed all the necessary competence to carry out that task, as well as great goodwill, in the legislative, administrative and other fields. In Kosovo, the Committee had begun to reorganize the education and health systems; there too, it possessed considerable assets - its knowledge and its neutrality. The only thing lacking, in both cases, was good material support.

41. Mr. VALENCIA RODRIGUEZ pointed out that the Committee had hoped that the States parties would provide funds to improve the computer resources of the Centre for Human Rights. What had been the outcome of the steps taken? The Centre for Human Rights - and in particular Mrs. Klein and her Branch - provided the Committee with unfailing assistance, but its human and financial resources were inadequate. Was there any chance of them improving? And what was the prevailing attitude to that question in the General Assembly's Fifth Committee? He endorsed Mr. van Boven's remarks about the functions and situation of the Committee Secretary.

42. Mr. YUTZIS emphasized the increase in quantity, and the improvement in quality, of the work done by the Committee in recent years, and the importance of the Secretary's work. He hoped that the Secretary would continue to occupy his post and counted on the support of the Assistant-Secretary-General to ensure that he did.

43. Mr. SHERIFIS associated himself with those members of the Committee who had expressed regret at the inadequacy of the resources made available to the Centre. There was no doubt about the quality of the work done by the Centre. The problem was one of volume and funding, of human and financial resources. At its 1046th meeting, the Committee had adopted decision 1 (45) concerning the human rights situation in Rwanda, which should have been sent to the ministers for foreign affairs of all the States parties. Had it been sent? He doubted whether it had, as there was no one to do that job. What was the point of adopting decisions if they were not followed up in practice?

44. He endorsed Mr. Aboul Nasr's request that the Committee should meet alternately at Geneva and in New York. Coordination between the Committee and the other international treaty bodies and organizations for the protection of human rights left much to be desired. He hoped that the Assistant-Secretary-General would help to improve coordination. Finally, he was pleased that the Assistant-Secretary-General was attending the Committee's meeting and hoped that the Committee would have the benefit of his presence more frequently than in the past. Closer cooperation between the Assistant-Secretary-General and the Committee would be beneficial for the advancement of human rights.

45. Mr. AHMADU endorsed the statements made earlier by members of the Committee about the importance of the Assistant-Secretary-General's presence at the Committee's meetings and the importance of the assistance it received from the secretariat. He shared the hope that the Committee Secretary would be given a permanent appointment. Regarding plane tickets, he said that he had arrived in Geneva two days late, although in his case it was the fault not of the secretariat but of the instructions issued to the travel agent, Thomas Cook. In Africa flights were not as frequent as in Europe. That circumstance should be taken into account and more flexibility allowed in the choice of airline. One question had not been raised: it should be possible for the members of the Committee to arrive in Geneva at least one day before the beginning of the session. Many of them came from far away. In addition to the fatigue attributable to the length of the journey, which was sometimes compounded by jet lag, poor communications often meant that they had not received the necessary documents in their own country. They should therefore be given time to obtain them and to examine them in Geneva, before attending the Committee. However, in most cases, they came straight off the plane and into the meeting.

46. The Committee represented a fund of expertise and experience of which better use should be made. For example, in the case of the tragedy in Rwanda - which was treated as political when in fact it was racially motivated - the Committee's past and present members could provide considerable assistance. He asked the Assistant-Secretary-General to consider using their services when such situations occurred.

47. Mr. FALL (Assistant Secretary-General for Human Rights) thanked the members of the Committee for their ideas, suggestions, remarks and objective criticism. As he was unable to reply exhaustively to all the questions, he would restrict himself to four areas to which all of them had referred: questions of logistics, coordination and information, the Committee's mandate, the organization of the Committee's work, and resources. However, he would first address the issue of Rwanda.

48. He had followed closely the Committee's deliberations on Rwanda at the current session, and had learned with great interest of the decision it had taken on that question. He assured the members of the Committee that that extremely important text, which directly addressed the ministers for foreign affairs of the countries concerned, had been sent to the Office of the High Commissioner for Human Rights, who had arrived two days previously, as he was responsible for signing such letters. He also assured them that the decision was one of the first questions to which the High Commissioner would turn his

attention. Also in connection with Rwanda, he too deplored the lack of communication within the United Nations system on so serious a matter. The Commission on Human Rights had expressed a view on the issue, the Sub-Commission on Prevention of Discrimination and Protection of Minorities was about to do so, the Committee itself was concerned in so far as the issue related to racial discrimination, the Special Rapporteur to investigate the situation of human rights in Rwanda was concerned, the International Commission composed of three lawyers, which the Secretary-General had recently appointed to inquire into the violations of human rights and humanitarian law in Rwanda, was also concerned, and perhaps at a later date the tribunal which was to be formed to try those responsible would be concerned. Ideally, there should have been a system for the communication of information. In a way, such a system was emerging because the Special Procedures Branch was responsible for the management of the Special Rapporteur's mandate; the secretariat of the International Commission of Inquiry would be established at Geneva rather than in New York, which should facilitate coordination with the Rapporteur. He would certainly inform the Special Procedures Branch of the decision taken by the Committee regarding Rwanda and of its willingness to make a contribution. At the appropriate time, when the need for technical assistance - in particular in the spheres of legislation, human rights education and justice - made itself felt during the reconstruction of Rwanda, he would not fail to take into consideration the proposals made by the Committee. He had to admit that the system had not yet reached its "cruising speed", i.e. the stage at which information was systematically shared. That was why, since his appointment, he had attached great importance to data processing, which now enabled practical solutions to be found for those communication problems. He hoped that before the end of the year the Centre for Human Rights would be connected to the INTERNET. Electronic mail had already been experimentally installed on some computers.

49. Also with regard to Rwanda, because human rights issues were politicized - a fact that was a constant source of deep regret, one point must be recognized: very often, the refusal by States to take a small decision led to a catastrophe. Thus, in February-March 1994, when the Commission on Human Rights had met, it had not been possible to persuade States to appoint a special rapporteur to study the situation in Rwanda, even though the report by the Special Rapporteur on extrajudicial, summary or arbitrary executions had already clearly revealed the scale and extreme seriousness of the problems in Rwanda and the need to appoint a special rapporteur. For political reasons, there had been no majority among States in favour of such a decision. It would, of course, be extremely naïve to believe that the appointment of a rapporteur would have sufficed to change the course of events, but it would at least have made it possible to warn the international community in time for it to take measures. Where human rights were concerned, the cold war had left a legacy - whose influence was still felt within the Commission on Human Rights - which held that it was the responsibility of Governments to decide, depending on their alliances, counter-alliances and interests. That was currently a major obstacle to objective management of human rights issues. He hoped that such issues would be perceived more objectively in the future and that the appointment of rapporteurs would no longer be a political decision but would depend solely on the need, in a specific country situation, to alert the international community. He believed that the appointment of a High Commissioner for Human Rights was a step in the right direction, as the High

Commissioner saw his task in terms of "preventive diplomacy", just as the Committee saw its task as being preventive. His remarks about Rwanda also applied to Burundi.

50. Replying to the concerns expressed by the members of the Committee, on questions of logistics, coordination and information he recognized that there were genuine problems. He would take up the matter of plane tickets with the Thomas Cook travel agency. He would endeavour to find a solution to ensure that members of the Committee did not arrive in Geneva on the very morning the session began. As far as routes were concerned, he was less optimistic: the United Nations was a ponderous bureaucracy which imposed the shortest route for a particular ticket, even if it was the most time-consuming. He took due note of the fact that members did not always receive the necessary information on questions of racial discrimination and would take up the matter with the secretariat. Regarding Bougainville, some information was available, but little progress had been made. The Commission on Human Rights had requested the Secretary-General to contact the Government of Papua New Guinea in order to further human rights in Bougainville, on the understanding that if a dialogue had not been established by 30 September, the Secretary-General should consider appointing a special representative. The Government of Papua New Guinea had so far not given its authorization for a mission to be sent. He hoped that its authorization would be forthcoming at the South Pacific Forum, so that a mission could visit Bougainville in September or October. If the members of the Committee had received no further information, therefore, it was because there had been little to report.

51. Secondly, where the Committee's mandate was concerned, he fully endorsed its adopted preventive approach, which was fully in conformity with its mandate and which, if properly followed, should at least prevent problems from getting worse if it could not prevent them from emerging. Regarding relations between the Committee and the various rapporteurs and other committees that dealt with human rights, he acknowledged that the remarks made by members of the Committee were valid; the situation was receiving the secretariat's attention. To give just one example, it had been planned that the Special Rapporteur on contemporary forms of racism should address the Committee during the first week of its session. Unfortunately, the Special Rapporteur's schedule had not allowed him to visit Geneva or to address either the Committee or the Sub-Commission. The special rapporteurs on questions such as freedom of expression, religious intolerance, etc. should also be able to address the Committee. Subsequent to the World Conference on Human Rights in Vienna, a programme of action had been prepared and funds requested to enable, for example, the Special Rapporteur on contemporary forms of racism to address the Commission on Human Rights, the Sub-Commission, the Committee on the Elimination of Racial Discrimination and other committees, and to allow him to meet other rapporteurs as part of the coordination of their work and to attend the General Assembly in order to present his report. But where would the United Nations be able to find the necessary funds to finance all those journeys and how would the Special Rapporteur find time to make them? Regarding the venue for the Committee's meetings, he reminded the Committee that the Division of Human Rights had been in New York when the Convention had been drawn up and adopted. For that reason, it had naturally been planned that the Committee should meet there. As the Division of Human Rights had been transferred to Geneva and become the Centre for Human Rights, it had been

decided that the Committee should meet at Geneva. If all the members of the Committee so wished, he would take up the question of the meeting venue with the Secretary-General. Regarding the third Decade to Combat Racism and Racial Discrimination and the Committee's role therein, he was pleased to note its willingness to participate. The secretariat was currently preparing the programme for the Decade. Meetings had already been held in the Centre and among specialized agencies. The next step would be a meeting with non-governmental and other organizations. He had already asked the Chairman what contribution the Committee would make. Coordination had thus already gained momentum and would continue when the Decade entered its active phase.

52. Thirdly, he assured the Committee that, on the question of its organization of work, it was not discriminated against in comparison with other committees. To appreciate that, one had only to listen to the complaints of the members of the other committees. The Committee had already raised the question of the stability of its secretariat the previous year and he had not forgotten. Since the beginning of the regularization process, he had already obtained three guarantees from the Secretary-General: first, personnel who had been occupying a post for several years would be regularized - there would be no external recruitment; secondly, heads of department would not put forward other names than those of the persons already occupying posts; lastly, the regularization would be completed at the end of the current year. Where General Service personnel were concerned, the final phase should begin the following week; in the case of Professionals, who included the Committee's Secretary, the final phase would begin at the end of August: the Selection Committee would meet to take a decision on his proposals, which, in the case of the Secretary, was that he should be given a permanent appointment. Five Professional posts out of six were thus being regularized for the human rights treaty bodies as a whole. That was a step forward, but it did not go far enough. Given the ponderous nature of the United Nations bureaucracy, however, he was unable to guarantee that the post would be made permanent before the 1 September. Nevertheless, he hoped that the decision would take effect before the end of 1994. He had taken due note of the role that data processing and computerization could play in improving the Committee's organization of work and would take up the matter with its secretariat.

53. Fourthly and lastly, he turned to the question of resources, which were the be-all and end-all of any discussion and which the Centre unfortunately lacked. The Secretary-General had made a great effort to improve the situation, but had only partly narrowed a gap that had widened over the years. No additional resources had been provided for follow-up to the Vienna Conference. Even more seriously, the resources that had been earmarked for the High Commissioner for Human Rights, the two or three posts that were to have made it possible to coordinate the third Decade to Combat Racism and Racial Discrimination, to cite but one example, had been frozen by the Fifth Committee until the next session of the General Assembly. Almost two years since he had taken up his present post, the administrative unit was still without a chief. Of the five branches within the Centre for Human Rights, two were headed by a P-5 Professional - one of whom was Mrs. Klein - instead of a D-1 Director. Even the High Commissioner for Human Rights himself was affected by the situation, as no resources had yet been made available to him and he was compelled to draw on the scant resources of the Centre for Human

Rights in order to do his work. The situation was most regrettable. It should be brought to the attention of States, but the secretariat had found that even if it had managed to do that in Geneva, in New York, States did not share the same concerns. Although it had been possible in New York, within the framework of the Third Committee, to draw the attention of representatives of States, in political terms, to the need to increase resources for human rights, the stumbling-block appeared to be those same representatives on the Fifth Committee, which decided the allocation of resources. In that case the representatives decided that resources should certainly be increased, but within the existing budget, which amounted to robbing Peter to pay Paul. Many States naturally refused to channel resources away from development activities to human rights activities. A vicious circle had thus developed and the members of the Committee should be informed of the difficulties the secretariat had to face. He realized that he had not answered all the questions raised. He would take note of any further questions members might wish to ask him.

54. The CHAIRMAN thanked the Assistant Secretary-General for Human Rights for having given the Committee an opportunity for dialogue. He hoped that such meetings would be held more frequently and regularly.

55. Mr. FALL (Assistant Secretary-General for Human Rights) thanked the Chairman. He would be available to continue the dialogue whenever the Committee met.

The meeting rose at 6.35 p.m.